

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ANTHONY BRIDGEWATER, )  
                          )  
Plaintiff,             )  
                          )  
v.                      )       CAUSE NO.: 1:14-cv-1370-JMS-MJD  
                          )  
                          )  
CITY OF INDIANAPOLIS )  
and DET. CHAD OSBORNE, )  
                          )  
Defendants.            )

**PLAINTIFF'S MOTION TO PRECLUDE USE OR REFERENCE TO DEPOSITION  
TESTIMONY OF ANTHONY BRIDGEWATER AND/OR CRYSTAL BRIDGEWATER**

The Plaintiff, by counsel, respectfully moves the court to exclude use or reference to the deposition testimony of Plaintiff and of Crystal Bridgewater and in support thereof states the following:

1. Plaintiff Anthony Bridgewater and Crystal Bridgewater were deposed at Circle City Reporting on August 27, 2015. The Defendants chose the court reporter.
2. Indiana Code 33-41-3-5 provides that "someone with a financial interest in the proceeding or its outcome" may not take a deposition.
3. On page 5 of the Defendants' Report Addressing Objections to Anticipated Testimony and Medical Records, the Defendants represent that they have a contract with Circle City Reporting wherein Circle City Reporting provides the Defendants with court reporting services on a contractually negotiated reduced rate.
4. Circle City did not offer to reduce the rate it charged Plaintiffs for their depositions.
5. By virtue of the standing contractual relationship for reduced rates between the Defendants and Circle City, Circle City had a financial interest in the deposition.

6. Pursuant to Ind. Code 33-41-3-6, the depositions of the Bridgewaters are void because they were not taken before someone without a financial interest in the outcome.
7. Since the depositions are void, they should not be used for any purpose in this trial as it would circumvent the intent of the statute precluding these sorts of contacts with court reporting firms and public policy ensuring that court reporting firms maintain complete impartiality.

8. This Motion is being made at this time because Plaintiff's counsel just became aware of the Defendants' contractual relationship with the court reporting firm as recited in the above referenced filing.

**WHEREFORE** Plaintiff requests that the Court order that the Defendants are precluded from making any reference to the testimony contained in Crystal or Anthony Bridgewaters' depositions, and that their depositions cannot be used for any purpose.

Respectfully submitted,  
s/ Andrea L. Ciobanu  
Andrea L. Ciobanu (#28942-49)  
One College Park  
8910 Purdue Road, Suite 240  
Indianapolis, IN 46268  
Phone: 317.495.1090  
Fax: 866.841.2071  
Email: aciobanu@ciobanulaw.com  
Attorney for Plaintiff, Anthony Bridgewater

## CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2016 a copy of this document was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Respectfully submitted,  
s/Andrea L. Ciobanu  
Andrea L. Ciobanu (#28942-49)  
One College Park  
8910 Purdue Road, Suite 240  
Indianapolis, IN 46268  
Phone: 317.495.1090  
Fax: 866.841.2071  
Email: aciobanu@ciobanulaw.com  
Attorney for Plaintiff, Anthony Bridgewater